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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,539	03/19/2002	Veikko Kankaanpaa	540-016.2	6927

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EXAMINER

ALVO, MARC S

ART UNIT PAPER NUMBER

1731

DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/088,539	KANKAANPAA, VEIKKO	
	Examiner	Art Unit	
	Steve Alvo	1731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 8-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 16-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3-19-2002</u> . | 6) <input type="checkbox"/> Other: ____. |

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Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-7 and 16-20, drawn to a method of dispersing pulp.

Group II, claim(s) 8-15, drawn to a dispersing apparatus.

The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Claim 8 is either obvious over or anticipated by EP 931 584. Accordingly, the special feature linking the two inventions, dispersing device having conical surfaces and a wheel situated at the outlet of the blade opening is obvious or anticipated by EP 931 584. Therefore, restriction is appropriate.

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

During a telephone conversation with Mr. Alfred Fressola on March 18, 2004 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-7 and 16-20. Affirmation of this election must be made by applicant in replying to this Office action. Claims 8-15 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 1-7 and 16-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 the term "between the conical surfaces" is indefinite as "conical surfaces" does not have an antecedent basis. It is not clear what has a "conical surface". The term "running wheel" is indefinite. Element (7) does not appear to be shaped or function as a wheel. It is not clear how element 7 functions and how it acts as a "wheel".

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 931 584 in view with or without MARKHAM et al (5,733,412) or BERNARD et al (4,865,690).

EP 931 584 teaches a method of dispersing pulp containing solid material and a liquid phase in a dispersing device (Figure 1) wherein the dispersing takes place in a narrow opening (a) between rotating conical surfaces (3, 3', 3'') and (4, 4', 4'') on the rotor (2) and stator (1). At the outlet end of the disperser is a wheel (2 and 7) acting as a pump to pump the dispersed material out of the dispersing device. If EP 931 584 does not teach dispersing pulp, especially waste paper, then MARKHAM et al (5,733,412) or BERNARD et al (4,865,690) teach using a dispersing grinder/refiner to disperse waste paper and remove contaminants from the waste paper. It would have been obvious to one of ordinary skill in the art to use the disperser/grinder/refiner of EP 931 584 to disperse waste paper and remove impurities from the

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waste paper in the manner as MARKHAM et al (5,733,412) or BERNARD et al (4,865,690) teach the use of dispersers to remove contaminants from waste paper. See MARKHAM et al, column 6, lines 17 and 34 for 25% consistency before dilution and 10% consistency after dilution.

Claims 4-7 and 17- 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 931 584 in view with or without MARKHAM et al (5,733,412) or BERNARD et al (4,865,690) as applied to claim 1 above, and further in view of KURTZ.

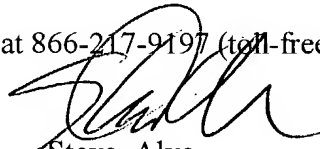
KURTZ teaches adding dilution fluid to the periphery of the dispersing device through conduit (31) and other conduits not shown. It is well known in pulp handling to use dilution water to aid in the pumping of the pulp to bring the pulp to a pumpable consistency. It would have been obvious to one of ordinary skill in the art to use dilution conduits as taught by KURTZ to bring the pulp to a pumpable level in the disperser of EP 931 584 and/or the disperser of MARKHAM et al (5,733,412) or BERNARD et al (4,865,690)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Alvo whose telephone number is 571-272-1185. The examiner can normally be reached on 6:00 AM to 2:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Steve Alvo
Primary Examiner
Art Unit 1731

msa